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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/577,634

04/28/2006

Anja Kliewe

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9651

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FASSE PATENT ATTORNEYS, P.A.
P.O. BOX 726
HAMPDEN, ME 04444-0726

EXAMINER

LAVILLA, MICHAEL E

ART UNIT

PAPER NUMBER

1794

MAIL DATE

DELIVERY MODE

06/26/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/577,634	Applicant(s) KLIEWE, ANJA	
	Examiner Michael La Villa	Art Unit 1794	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 28 April 2006 (Preliminary Amendments).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 25-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 25-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 28 April 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>20060428</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: References to the claims in the body of the Specification, such as located at page 2, line 18 and page 3, line 22, should be eliminated or otherwise altered without introducing new matter. The specifically mentioned claims are no longer pending, and those claims that are present may be subsequently amended.
2. Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:
4. The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 25-39 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
6. Regarding Claim 25, line 2, it is unclear what is meant by the term "especially." Is this a possibility or a necessary requirement? An analogous rejection applies to Claims 30-32 and 38 with respect to the use of the term "especially" in these claims.
7. Regarding Claim 25, it is unclear whether the various reference numbers in the claim limit the claimed subject matter or whether they are superfluous. An analogous rejection applies to Claims 29-32, 36, 37, and 39 with respect to the use of reference numbers in these claims.

8. Regarding Claims 25, it is unclear what is meant by the phrase "substrate composition on a nickel basis with an aluminum proportion of greater than 4.5 weight %". Does this mean that the substrate is nickel-based? Does this phrase mean that relative to nickel the proportion of aluminum is to be greater than 4.5 wt.%? An analogous rejection applies to Claims 29, 32, 36, 37, and 39 with respect to the use of this "basis" and "proportion" phrase.
9. Regarding Claim 28, it is unclear what is meant by the phrase "determined by the substrate composition." Does this mean that diffusion from the substrate must occur? Does this mean that all aluminum must have originated from the substrate? Does it mean something else? An analogous rejection applies to Claim 35 with respect to the use of this same phrase.
10. Regarding Claim 32, it is unclear whether the word "for" in line 1 indicates intended use. If so, it is unclear what structural and/or compositional aspects, if any, are being claimed for the claimed coating. If not, it is suggested that language that clarifies the relationship between the component and substrate region with respect to the coating composition and structure be provided.

Regarding Claim 32, line 6, it is unclear whether the word "hereby" is correct. It is unclear whether it should read "whereby" or "thereby".
11. Regarding Claim 37, it is unclear what are the claimed method steps. Are they providing a component with a surface and subsequently diffusing platinum? Is there only a step of diffusing? Are they something else?

Claim Rejections - 35 USC § 102

12. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

13. A person shall be entitled to a patent unless –

14. (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

15. Claims 25-39 are rejected under 35 U.S.C. 102(b) as being anticipated by

Rickerby et al. EP 1 094 131. Rickerby discloses a blade component for a gas turbine, said component comprising a nickel-based substrate composition containing more than 4.5 wt.% of aluminum and less than 10 wt.% of aluminum (see paragraph [0058]) and a protective anti-corrosion layer. The protective layer is formed by the diffusion of platinum (see paragraphs [0040], [0041]) and the diffusion layer is made up of three zones (see paragraph [0045]), respectively containing 45% wt.%, between 30 and 45 wt.%, and between 10 and 25 wt.%. If each of these three zones is of approximately the same thickness (see figure 3), a maximum mean value of $(45 + 45 + 25) / 3 = 40$ wt.% of platinum is obtained. The claims only refer to an integrated platinum quantity, wherein the integration depth limits are not defined. Hence, the claimed amounts would be expected to be taught since there would be expected to exist regions in Rickerby that meet at least one range value for each of the claimed ranges. For example, the entire thickness may give an amount of 40 wt.%, whereas one zone may give 25 wt.% or 10 wt.%. The protective anti-corrosion coating per se according to independent claim 32 and the method for the production of a component according to independent claim 37 are also known for the same reasons.

Claim Rejections - 35 USC § 103

16. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

- (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

17. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148

USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

18. Claims 25-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Rickerby et al. EP 1 094 131. Rickerby et al. EP 1 094 131. Rickerby discloses a blade component for a gas turbine, said component comprising a nickel-based substrate composition containing more than 4.5 wt.% of aluminum and less than 10 wt.% of aluminum (see paragraph [0058]) and a protective anti-corrosion layer. The protective layer is formed by the diffusion of platinum (see paragraphs [0040], [0041]) and the diffusion layer is made up of three zones (see paragraph [0045]), respectively containing 45% wt.%, between 30 and 45 wt.%, and between 10 and 25 wt.%. If each of these three zones is of approximately the same thickness (see figure 3), a maximum mean value of $(45 + 45 + 25) / 3 = 40$

wt.% of platinum is obtained. The claims only refer to an integrated platinum quantity, wherein the integration depth limits are not defined. Rickerby teaches the protective anti-corrosion coating per se according to independent claim 32 and the method for the production of a component according to independent claim 37. In the event that Rickerby cannot be said to exemplify the ranges of integrated platinum of these claims, Rickerby teaches that the three identified zones have ranges of average amounts of platinum that are effective. It would be expected that the average amount of platinum in each respective zone is equivalent to the integrated amount in each respective zone. Hence, certain values of average amounts of platinum in these ranges of Rickerby, such as 10, 25, and 30 wt.% platinum and other intermediate amounts for the various zones, are encompassed by the claimed integrated amounts when the integration is performed over individual zones. It would have been obvious to one of ordinary skill in the art at the time of the invention to fabricate the articles of Rickerby within the ranges of average amounts of platinum in the respective zones of Rickerby that Rickerby suggests are effective, including those amounts that are equal to integrated amounts encompassed by the claims.

Conclusion

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael La Villa whose telephone number is (571) 272-1539. The examiner can normally be reached on Monday through Friday.

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20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rena Dye, can be reached on (571) 272-3186. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael La Villa/
Michael La Villa
Primary Examiner, Art Unit 1794
20 June 2008